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ARENT FOX PLLC  
1050 CONNECTICUT AVENUE, N.W.  
SUITE 400  
WASHINGTON DC 20036

In re Application of	:	
BARBERO RIPOLL et al.	:	
Application No.: 10/594,639	:	DECISION ON
PCT No.: PCT/ES2005/000141	:	
Int. Filing Date: 17 March 2005	:	PETITION UNDER
Priority Date: 22 March 2004	:	
Attorney Docket No.: 027318-00027	:	37 CFR 1.137(b)
For: METHOD FOR THE GENERATION OF	:	
COMPOSITE NANOTUBES AND NANOFIBRES	:	
FROM COAXIAL JETS	:	

This decision is in response to applicants' submission filed 28 September 2006.

### **BACKGROUND**

On 17 March 2005, applicant filed international application PCT/ES2005/000141 which designated the U.S. and claimed a priority date of 22 March 2004. A copy of the international application was communicated to the USPTO from the International Bureau on 24 September 2005. The thirty-month period for paying the basic national fee in the United States expired at midnight on 22 September 2006.

On 03 August 2006, applicant filed a transmittal letter for entry into the national stage in the United States which was accompanied by, *inter alia*, the Basic National Fee, an assertion of small entity status, the surcharge under 37 CFR 1.492(h) for filing any of the search fee, the examination fee, or the oath or declaration after the date of the commencement of the national stage, and the processing fee under 37 CFR 1.492(f) for providing the English translation later than thirty months from the priority date.

### **DISCUSSION**

A petition to revive the present application under 37 CFR 1.137(b) must include:

- (1) The required reply;
- (2) The petition fee;
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional.

As to item (1), applicant submitted the basic national fee on 28 September 2006.

As to item (2), applicant submitted the petition fee on 28 September 2006.

As to item (3), the required statement has been provided.

A review of the application file reveals that, with the filing of the present petition and accompanying papers, a proper response has been submitted and all of the requirements of 37 CFR 1.137(b) for revival have been satisfied and revival is therefore appropriate.

### **CONCLUSION**

The petition under 37 CFR 1.137(b) is **GRANTED** for the reasons set forth above.

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application including preparing and mailing a NOTIFICATION OF MISSING REQUIREMENTS (Form PCT/DO/EO/905) requiring an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) and an English translation of the international application as filed.



Daniel Stemmer

Legal Examiner

PCT Legal Affairs

Office of Patent Cooperation Treaty

Legal Administration

Telephone: (571) 272-3301

Facsimile: (571) 273-0459